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8 **IN THE UNITED STATES DISTRICT COURT FOR THE**  
9 **EASTERN DISTRICT OF CALIFORNIA**

10 **JOSE AGUILAR MARTINEZ,** )

**CV F 05-0627 OWW WMW HC**

11 **Petitioner,** )

**ORDER ADOPTING  
FINDINGS AND  
RECOMMENDATIONS**

12 **v.** )

13 **JOHN ASHCROFT,** )

[Doc. 10]

14 **Respondent.** )  
15 \_\_\_\_\_ )  
16 \_\_\_\_\_ )  
17

18 Petitioner, a federal prisoner, has filed a petition for a writ of habeas corpus pursuant to  
19 28 U.S.C. § 2241 . The matter was referred to a United States Magistrate Judge pursuant to 28  
20 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

21 On November 30, 2005, the Magistrate Judge filed findings and recommendations herein.  
22 These findings and recommendations were served on the parties and contained notice to the  
23 parties that any objections to the findings and recommendations were to be filed within thirty  
24 days. No objections were filed.<sup>1</sup>

25 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)C) this court has conducted a  
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27 <sup>1</sup>The court notes that the copy of the findings and recommendations served on Petitioner  
28 was returned as undeliverable. However, the copy was served on Petitioner at his address of  
record and was therefore fully effective. Local Rule 83-182.

1 de novo review of this case. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454  
2 (9<sup>th</sup> Cir. 1983). Having carefully reviewed the entire file, the court finds the findings and  
3 recommendations to be supported by the record and by proper analysis.

4 Based on the foregoing, it is HEREBY ORDERED that:

- 5 1. The findings and recommendations issued by the Magistrate Judge on  
6 November 30, 2005, are adopted in full;
- 7 2. The Petition for Writ of Habeas Corpus is dismissed for failure to prosecute;
- 8 3. The Clerk of the Court is directed to enter judgment for Respondent and to close this  
9 case.

10 IT IS SO ORDERED.

11 **Dated: March 15, 2006**  
emm0d6

**/s/ Oliver W. Wanger**  
UNITED STATES DISTRICT JUDGE